

Before the
COPYRIGHT ROYALTY JUDGES
Washington, D.C.

In the Matter of)

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Distribution of)

Cable Royalty Funds)

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In the Matter of)

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Distribution of)

Satellite Royalty Funds)

CONSOLIDATED DOCKET NO.
14-CRB-0010-CD/SD
(2010-2013)

**MULTIGROUP CLAIMANTS' MOTION TO STRIKE
SETTLING DEVOTIONAL CLAIMANTS' "MOTION TO SUPPLEMENT"**

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Under the guise of a “motion to supplement”, the SDC submits additional briefing with argument in violation of the CRB’s rules of pleading.¹

Frustrated with the collapse of its argument that a bankruptcy petition filed by former WSG owner, non-party Alfred Galaz, somehow warrants refusal to distribute Multigroup Claimants the royalties it has already been awarded -- a position quickly discarded by the very U.S. bankruptcy trustee that SDC counsel Matthew MacLean goaded into interceding in this proceeding based on unsubstantiated allegations of “fraudulent transfers” – the SDC now purport to supplement the record with a document that the SDC motion acknowledges has *already* been presented to the Judges by Multigroup Claimants. See SDC motion at 1, citing *Multigroup Claimants’ Reply in Support of Second Motion for Final Distribution of 2010-2013 Satellite Royalty Funds* (Apr. 21, 2020). The SDC then proceed to submit additional argument as to why such document, which remedies a long-acknowledged misstatement in the non-party’s original bankruptcy petition, continues to bring into question Multigroup Claimants’ status.

No different than before, the SDC’s argument continues to rely on a total absence of information regarding WSG’s operations and finances as the basis for the SDC’s unsubstantiated allegations of “fraud”, “fraudulent transfers” and “impending fraud”, all-the-while conspicuously failing to identify the mythical victim conjured by the SDC and its counsel, Matthew MacLean. No different than before, the SDC continue to ignore the declarations of a half-dozen individuals that actually have knowledge regarding WSG’s operations, which were previously provided to the Judges by Multigroup Claimants. The evidence submitted by Multigroup Claimants remains

1 The full title of the SDC pleading is *Settling Devotional Claimants’ Motion to Supplement Motion to De-Designate Restricted Materials and Opposition to Multigroup Claimants’ Emergency Motion for Removal from Public Records and Sanctions against SDC and Its Counsel*.

without any countervailing evidence submitted by the SDC. Nonetheless, the SDC ask the Judges to bury their heads in the sand, pretend that such overwhelming, unrefuted evidence be disregarded, then for the Judges to adopt the SDC's unsubstantiated theory that transfers of WSG and Multigroup Claimants did not *actually* occur.²

Notably, the SDC do not ask permission to supplement the record before doing so, and before offering additional argument. The SDC motion is not even a sur-reply to a Multigroup Claimants pleading, which itself would be prohibited in the absence of the Judges' consent. See, e.g., *Order to Show Cause* at fn. 2 (Feb. 24, 2020). Rather, it is simply the SDC offering additional argument, on the false pretext of supplementing the record with evidence that is *already* in the record and has *already* been provided to the Judges by Multigroup Claimants.³

2 For example, the SDC continue to maintain that the Texas Public Information Reports filed for Worldwide Subsidy Group, LLC, for 2017, 2018, and 2019, demonstrate that WSG's representation as to its transfers and owners are false, even though WSG's former accountant attested that he prepared and filed such reports without the knowledge of any WSG representative as part of WSG's tax return preparation, and despite the declarations of *all* WSG owners and representatives (former and present) that they neither prepared nor saw such reports until brought to their attention by the SDC. The SDC further rest their argument on an assertion of Texas law that it conspicuously avoided providing to the Judges, which Texas statute clearly contradicts the SDC's assertion of Texas law.

3 The SDC further engage in the absurd contention that Multigroup Claimants' failure to respond to the SDC's request that Multigroup Claimants withdraw a motion filed by Multigroup Claimants, and its opposition to the SDC motion to de-designate restricted materials, automatically de-designates the materials that are the very subject of those motions. According to the SDC, it can make an infinite number of requests for the de-designation of the identical restricted materials, even after briefing on such matter has concluded, and failure of a party to respond to each and every renewed request within three days will deem that party's objection to the de-designation "waived", and such material automatically unrestricted.

Initially, the SDC misrepresent the content of the cited Protective Order. Section V.D. thereof only sets forth that a party's failure to respond to an objection within three days allows the moving party to file a motion seeking the de-designation of the restricted materials. No mention of "waiver" or "automatic" de-designation exists, as the SDC misrepresent to the Judges. Notwithstanding, the Protective Order does not contemplate a party repeatedly renewing its request for another party to de-designate restricted materials, even after a motion as to the

In fact, the amended bankruptcy petition that was *already* provided to the Judges as part of an authorized pleading cycle does not have the effect claimed by the SDC. Multigroup Claimants designated both information and particular exhibits as confidential, and despite the SDC's conjecture that they are one in the same, they are not. Nor does the information contained in the amended bankruptcy petition diminish the appropriateness of sanctioning the SDC and, particularly, its counsel Matthew MacLean, for revealing confidential information contained in Multigroup Claimants' pleadings long prior to the filing of the amended bankruptcy petition, when no aspect of such information was reflected publicly elsewhere and was expressly designated as "restricted material". It also cannot be ignored that the very reason that the amended bankruptcy petition was filed by Alfred and Lois Galaz was to address unsubstantiated, defamatory allegations made by SDC counsel Matthew MacLean outside of these proceedings, where Mr. MacLean (and his law firm) may no longer attempt to drape themselves in the absolute privilege to defamation. Indeed, Mr. MacLean and the SDC seek reward for actions taken by non-party Alfred Galaz in response to the very product of Mr. MacLean's malice.

matter has already been brought and fully-briefed. In such circumstance, the responding party's position is already set forth within the record, and it need not be re-asserted simply because the moving party wants to engage in further briefing outside of the already-concluded pleading cycle, as the SDC attempts here.

For the reasons set forth above, the SDC's motion should be stricken and disregarded.

Respectfully submitted,

April 24, 2020

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th of April, 2020, a copy of the foregoing was filed with the eCRB system, and therefore sent by electronic mail to the parties listed on the attached Service List.

_____/s/_____
Brian D. Boydston, Esq.

National Association of Broadcasters (NAB) aka CTV, represented by John Stewart, served via Electronic Service at jstewart@crowell.com.

MPAA-Represented Program Suppliers (MPAA), represented by Lucy H Plovnick, served via Electronic Service at lh@msk.com.

Canadian Claimants Group, represented by Victor J Cosentino, served via Electronic Service at victor.cosentino@larsongaston.com.

SESAC Performing Rights, LLC, represented by John C. Beiter, served via Electronic Service at john@beiterlaw.com.

Public Television Claimants (PTC), represented by Ronald G. Dove Jr., served via Electronic Service at rdove@cov.com

Joint Sports Claimants (JSC), represented by Ritchie T. Thomas, served via Electronic Service at ritchie.thomas@squirepb.com.

Settling Devotional Claimants (SDC), represented by Matthew MacLean, served via Electronic Service at matthew.maclea@pillsburylaw.com.

Proof of Delivery

I hereby certify that on Friday, April 24, 2020, I provided a true and correct copy of the Multigroup Claimants' Motion To Strike Settling Devotional Claimants' "Motion To Supplement" to the following:

MPA-Represented Program Suppliers (MPA), represented by Gregory O Olaniran, served via ESERVICE at goo@msk.com

Settling Devotional Claimants (SDC), represented by Matthew J MacLean, served via ESERVICE at matthew.maclean@pillsburylaw.com

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Signed: /s/ Brian D Boydston